

**STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES**  
**April 26, 2011**

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) on Tuesday, April 26, 2011, was called to order with the determination of a quorum at 7:00 p.m. by Chairman Robert C. Gibbons in the Board of Supervisors Chambers. Mr. Gibbons introduced the Board members and staff and explained to the public present, the purpose, function and process of the Board of Zoning Appeals. He asked the members of the public who planned to speak at this meeting to please stand and raise their right hand, swearing or affirming to tell the truth.

Mr. Gibbons stated the Bylaws of this Board state the applicant would be allowed up to ten minutes to state their case, the other speakers would be allowed three minutes to testify, and the applicant would be allowed three minutes for rebuttal.

**Members Present:** Robert Gibbons, Ernest Ackermann, Dean Larson, Larry Ingalls and Ray Davis

**Members Absent:** Marty Hudson, Steven Apicella and Heather Stefl

**Staff Present:** Rachel Hudson, Zoning Administrator  
Melody Musante, Zoning Manager  
Aisha Medina, Recording Secretary

Mr. Gibbons: Are there any changes or additions to the advertised agenda? I think we want to change the order tonight.

Ms. Hudson: Yes sir. We would like to take the unfinished business of Jeffrey and Jill Scott that you heard last month, we would like to do that first.

Mr. Gibbons: Right, does the Board have any objections to that?

Mr. Ingalls: No.

Mr. Gibbons: Okay.

Mr. Gibbons: Before we hear the first case, does any Board member wish to make a declaration or statement concerning any cases to be heard before the Board tonight? Mr. Ingalls?

**DECLARATIONS OF DISQUALIFICATIONS**

Mr. Ingalls: Mr. Chairman, on the first case, V11-2/11000102, Gina M. Smith, when I was gainfully employed I did some consulting work for an attorney representing one of the Jones and so I am going to abstain from voting on that case.

Mr. Gibbons: Alright sir, anybody else? Then would you please read the synopsis of the first case.

**UNFINISHED BUSINESS**

- 1. V11-1/1100060 - JEFFREY R. & JILL B. SCOTT** - Requests a Variance from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", A-1, Agricultural, of the front yard requirement to construct a new single-family dwelling on Assessor's Parcel 49-37E.

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The property is zoned A-1, Agricultural, and is located at 442 Wood Landing Road.

Ms. Hudson: Yes. The public hearing that was held last month was V11-1/1100060, Jeffrey R. and Jill B. Scott, requests a Variance from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", A-1, Agricultural, of the front yard requirement to construct a new single-family dwelling on Assessor's Parcel 49-37E. The property is zoned A-1, Agricultural, and is located at 442 Wood Landing Road. Last month the BZA requested Mr. Scott to, first off, Mr. Scott asked for a deferment and it was granted by the BZA. The BZA requested some additional information for him to bring back to you this evening. He has done that and he submitted it to the county a couple of weeks ago when it was sent on to you with your packets. The new plat that he submitted has been highlighted in color and you can see that he has identified the four setbacks that he is proposing to the front of the proposed building. He also has written a new justification for the application. If you have any further question, I will be glad to answer.

Mr. Gibbons: Any questions of Rachel? Okay.

Mr. Ingalls: Mr. Chairman, since I had probably more to say than I should last meeting on this particular case, I would like to say that I did meet with the applicant on the site and looked at what he proposed and is now proposing and I appreciate him making all these efforts. I think that what he has given us today is a realistic picture of what he is going to build. I think what he is asking is a reasonable request for a variance. So I am probably going to support a motion to approve it. I believe he has asked for... to be able to... I'm sure if you haven't seen this sight, you don't realize how tight it is until you see it. With the back against... he is up against the reserve drainfield, he is up against RPA's, he is up against everything you could imagine and I think... I really would like to give him a little bit more to play with on the front variance than the actual numbers indicate. In his amended application and the notes that came with the amended plat, he has asked for a thirty-two (32) foot variance, which would mean that the numbers shown would mean the house can flex a little bit toward the front by something less than two feet. Like I said, based on what I saw down there, trying to fit this house exactly like he's got it, he is going to have to be very careful. I know this Board doesn't like to see anybody more than once and if he were to build it an inch and have him come talk to us again, I don't think it is necessary. I think the lot deserves a variance and I think he does deserve some flexibility there. I guess I am trying to figure out... I was going to make a motion but I want to make it so I understand what I've made and I want him and the county to understand also. I am not sure I can give him a plain thirty-two (32) feet because then the northeast corner, which doesn't really need but a twenty (20) foot variance, twenty something. I guess and it's not a motion but what I'm thinking is to grant a variance that would allow him to be... of the numbers shown, the northeast corner, the middle corner and the northwest corner all to be a foot more than what is asking for, which would be some odd number, I don't know without writing it all down and figuring it out with my calculator. That is what I would be thinking.

Mr. Gibbons: Any suggestions?

Ms. Hudson: Larry, I'm sorry, I have written down on my plat what those variances would be if you want to use this.

Mr. Ingalls: That would be helpful Rachel, really. You could just read them out to me.

Ms. Hudson: The first one, the proposed, let's see... make sure I'm correct, the first one that proposes 20.4, the variance would be 29.6.

Mr. Ingalls: Okay.

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Ms. Hudson: The next one that is proposed to be 19.9, the variance would be 30.1. The 29.3 variance would be 20.7. The 32.2, the variance would be 17.8. That's exact.

Mr. Ingalls: That is the exact?

Ms. Hudson: Yes.

Mr. Ingalls: So he had requested about two (2) feet difference on those numbers so we would have to add two (2) feet to each of those if we were to grant what he asked for. I mean, we could come up with some other number if we wish.

Ms. Hudson: If we didn't want to do the thirty-two (32), right. If you want to give him the leeway of the two (2) feet then yes.

Mr. Ingalls: Does anybody have any thoughts either way?

Dr. Larson: I think we should probably give him a little leeway but I for one am pleased that you went back and tried to minimize the amount of the variance. I appreciate that.

Mr. Gibbons: Doctor?

Mr. Ackermann: Sorry, I was just trying to do some calculations here. Yeah, I agree with everything that has been said. I think it is just fine if we can get the numbers figured out right so that everybody is happy. I think it would be a good thing to do.

Mr. Gibbons: Alright.

Mr. Davis: I also agree.

Mr. Gibbons: So do we have the calculator out?

Mr. Ingalls: So if we... Rachel? So if we add what he asked for to say thirty-two (32), right? That is what he has asked for?

Ms. Hudson: His justification, the new justification dated April 12, 2011 states...

Mr. Ingalls: Right, I mean, we can make it whatever we want, I realize that.

Ms. Hudson: But yes, he is saying that he would like to amend the request to thirty-two (32) feet.

Mr. Ingalls: Do we just want to... Would everybody be comfortable with just adding two feet to each of the numbers on the plat?

Mr. Gibbons: Fine.

Mr. Ackermann: I think that would be fair. That seems to be reasonable.

**MOTION:**

Mr. Ingalls: If that is the case then, I will make a motion that we grant the variance based on the plat submitted dated March 2, 2011 showing the proposed building and setbacks and the proposed setbacks shown on the plat are 20.4 for the Northwest corner, 19.9 for the... they are not setbacks either, I

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guess, are they?

Ms. Hudson: No.

Mr. Ingalls: Setbacks, they are shown from the setback from the edge of the easement would be 20.4 for the northwest corner, 19.9 for the middle corner, 29.3 for the northeast corner and the building and 32.2 for the porch. I would say my motion would be to add two (2) feet... give him two (2) feet flexibility, which would be: for the northeast corner, a variance of 31.6 and everybody make sure. For the middle corner would be 32.1, for the northeast corner of the building would be 22.7 and for the porch would be 19.8. Is that right?

Dr. Larson: Say your first number again please.

Mr. Ingalls: First number, 31.6.

Mr. Ackermann: It was...

Ms. Hudson: About 29.8.

Mr. Ingalls: That is adding two (2) feet of each one to the variance.

Mr. Gibbons: So that is your motion?

Mr. Ingalls: That is my motion.

Mr. Gibbons: Do I have a second?

Dr. Larson: I will second it.

Mr. Gibbons: We have a second, duly seconded and any discussion or questions?

Mr. Ingalls: Mr. Chairman, the reason I made the motion is because I believe it meets the test that is set forth in our zoning ordinance of the four things. That the strict application of the provisions of this chapter would produce an undue hardship; the hardship is not shared generally by other properties in this same zoning district, in the same vicinity, that the authorization of such variance shall not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance. That the condition or situation of the property concerned for the intended use of the property is not so general or reoccurring in a nature as to make reasonable, practical the formation of general regulation to be adopted as an amendment to this chapter.

Mr. Gibbons: Doctor?

Mr. Ackermann: Yeah, how crucial is it that we give a variance of 22.7 feet versus a variance of 23 feet? Is it... I mean, I think easily in whole numbers but does it make that much of a difference? We are talking a couple, a few inches here in some cases and it just might give a little more leeway. Is that... because we are still...

Mr. Ingalls: I was just trying to do the math easy and add two.

Mr. Ackermann: Sure, sure, sure.

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Mr. Ingalls: To round up or round down, I wouldn't have a problem either way.

Mr. Gibbons: You could do like George Washington did with the survey, plus or minus.

Mr. Ackermann: Give or take. I am happy with your numbers but I was just wondering how, you know, does it... If we are talking a couple inches that is not going to be an issue.

Mr. Ingalls: If you want me to amend my motion, I would... If I am hearing you correctly, we would say then it would be, I would say 32, 32, 23, 20.

Mr. Ackermann: Yeah.

Mr. Gibbons: That is a friendly amendment?

Mr. Ackermann: Yeah, that would be my suggestion sir.

Mr. Gibbons: Accepted sir?

Dr. Larson: I have no objections, I will second that.

Mr. Gibbons: Okay. Are we alright?

Ms. Hudson: I'm sorry, I didn't get... I didn't understand that.

Mr. Ingalls: The variance would be a 32 for the northwest corner.

Ms. Hudson: For the first one?

Mr. Ingalls: Where the 20.4 is, it would be a 32 foot variance.

Ms. Hudson: That is the variance of 32 feet.

Mr. Ingalls: The second one would be the same thing, 32.

Ms. Hudson: Okay.

Mr. Ingalls: The 29.3 would be a 23 foot variance and the 32.2 deck would be a 20 foot variance.

Ms. Hudson: Okay, I have it now.

Mr. Gibbons: We all agree now.

Mr. Ackermann: Yeah, I think that would be generous.

Dr. Larson: Mr. Chairman, I just wanted to say that I seconded the motion. We all know that variances ride with the property forever so we don't do this lightly but I do agree with my colleague Mr. Ingalls that this one satisfies the four requirements. The hardship is based on the physical character of the property and it is not the fault of the applicant. I also appreciate that the applicant has made a

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substantial effort to minimize the amount of the variance because he also realizes the importance of granting a variance.

Mr. Gibbons: Doctor?

Mr. Ackermann: No, all done.

Mr. Gibbons: Okay, call for the question, all in favor say aye.

Mr. Ingalls: Aye.

Mr. Ackermann: Aye.

Mr. Davis: Aye

Dr. Larson: Aye.

Mr. Gibbons: Aye. All opposed? Any abstentions? Thank you very much Mr. Scott and good luck to you.

**VOTE:**

The motion to approve the Variance passed 5-0.

Mr. Ackermann – Yes

Mr. Apicella – Absent

Mr. Davis – Yes

Mr. Gibbons – Yes

Mr. Hudson – Absent

Mr. Ingalls – Yes

Dr. Larson – Yes

Mrs. Stefl – Absent

Mr. Gibbons: Aisha, if you would put in the record the Mr. Apicella is out of the area and the young lady had a gallbladder operation on Friday and the doctor would not allow her to come tonight. Marty Hudson sent us an email about 6:00, 6:15, he just couldn't make it and we are minus one Board member now. Alright, would you read the next application please.

**PUBLIC HEARINGS**

- 2. V11-2/1100102 - GINA M. SMITH** - Requests Variances from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", A-1 Agricultural and Section 28-273, "Nonconforming Structures", further reducing the front yard requirement to allow a three (3) acre subdivision with an existing nonconforming single family dwelling. The property is zoned A-1, Agricultural, located on Assessor's Parcel 40-31, at 2344 Courthouse Road.

Mrs. Musante: Case V11-2/1100102, applicant: Gina M. Smith, requests Variances from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", A-1 Agricultural and Section 28-273, "Nonconforming Structures", further reducing the front yard requirement to allow a three (3) acre subdivision with an existing nonconforming single family dwelling. The property is zoned A-1,

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Agricultural, located on Assessor's Parcel 40-31, at 2344 Courthouse Road.

Mr. Gibbons: Okay, is there any questions of the staff before we start? Yes sir, can you come forward please for a minute. I just want you to know that we only have four members present and by law we all have to vote in the affirmative. So if you want us to continue, we can at any time during the process if you feel uncomfortable and want to request a delay or deferment, we will grant you that. At any time you feel uncomfortable please let us know. Alright?

Mrs. Smith: Okay.

Mr. Gibbons: Okay, so can you state your name and your address please.

Mrs. Smith: Yes, my name is Gina Marie Smith and I live in Stafford, Virginia.

Mr. Gibbons: Okay and you are here tonight. Why don't you just explain in laymans terms why you are here tonight?

Mrs. Smith: I am here tonight to request a 29.3 front yard variance to my grandma's property. we are trying to sell the house and three (3) acres, it has just been impossible to take care of the house and the eighty-eight (88) acres. I am one (1) of four (4) land owners and the other owners do not live in this area so it has been up to my husband and I to take care of everything and it has been very hard on us trying to take care of our property plus grandma's property.

Mr. Gibbons: It is my understanding that you did have it for sale, the whole property?

Mrs. Smith: Well we have... It is eighty-eight (88) acres and nobody wants the house and eighty-eight (88) acres. So what we have found, if we can sell the house in three (3) acres, we can get rid of the house. We have somebody that wants to buy the house and three (3) acres.

Mr. Gibbons: And right now it is vacant, right?

Mrs. Smith: Yes. There is nobody living in it and it is going to rot and it's making the neighborhood... the appearance of it is not helping the value of the rest of us that live around this property.

Mr. Gibbons: And you live... when I was out there it is more or less a dead end.

Mrs. Smith: Right, I am at the dead end of the road; when you get to the dead end of the road you are going to go left on the dirt road like you are going to the girl scout camp and I am the second house on the right.

Mr. Gibbons: And it is my understanding that, when I read the background here and it went down to VDOT had no intention of expanding that road at that area?

Mrs. Smith: No.

Mr. Gibbons: And they said that, what, the Board of Supervisors, Melody? It came up in some document.

Mrs. Musante: No, that was in conversation with Gina and I and her application, not a document.

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Mr. Gibbons: Okay.

Mrs. Smith: Because at the end of that state road is a girl scout camp and the girl scout camp is not going to sell their camp. That camp has been there for years, even before I was born. I was born in 1966 and the girl scout camp has always been there. Before my father passed away, the girl scouts actually bought thirteen (13) acres for their camp.

Mr. Gibbons: Now, also you haven't submitted for a subdivision yet because you were told by the staff that you had to, before you could apply, you had to have a variance to apply to get the three (3) acres subdivision. Is that correct?

Mrs. Smith: That is correct. I had a surveyor come out and he surveyed and he stopped because he told me I need to get a variance from the county.

Mr. Gibbons: Okay.

Mrs. Smith: So we halted everything.

Mr. Gibbons: Okay, any questions for the applicant.

Mr. Ackermann: The property is listed for sale as a three (3) lot, right?

Mrs. Smith: Right, only if this all gets approved through the county.

Mr. Ackermann: Sure, sure, sure, right. But it has been advertised for a little bit, right?

Mrs. Smith: Yes.

Mr. Ackermann: And I guess when you first advertised, you didn't know that you needed to get a variance?

Mrs. Smith: No, I didn't.

Mr. Ackermann: You could have just subdivided that way, okay.

Mrs. Smith: All I thought I had to do is have it surveyed and submit the drawings to the county for approval. I did not realize we had to... this issue of the variance.

Mr. Ackermann: Is the person who is interested in buying it, do you know if they are interested in keeping the same house there or doing anything to it.

Mrs. Smith: He is going to keep the house he actually wants to fix it up. But he is planning to stay there.

Mr. Ackermann: Okay, thank you.

Dr. Larson: I have a question I guess for staff. So we have a nonconforming property.

Mrs. Musante: Correct.

Dr. Larson: And in order for her to do anything to the property, she needs the variance.



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Mrs. Musante: Correct.

Dr. Larson: Alright.

Mrs. Musante: What has caused this variance is because once they come in to subdivide the property, the current subdivision ordinance requires them to dedicate additional right-of-way. Because they have to dedicate the additional right-of-way, it is making the home more non-conforming, which is what triggered this variance. Say they weren't going to subdivide and they still wanted to put an addition on, they would be coming in to you to get that variance.

Mr. Gibbons: Any other questions? Okay, then we will see if anybody else wants to speak.

Mrs. Smith: Okay.

Mr. Gibbons: And then I will get right back to you. Would anybody like to come forward in favor of this application, please do that.

Mr. Shannon: Mr. Chairman, Board, Ladies, Andy Shannon, Stafford, Virginia. I am speaking on behalf of Gina Smith, I am the realtor that represents the property. As you know, we are in a very down real estate market as far as new construction and acreage is concerned. So we tried to sell the entire acreage of eighty-eight (88) acres, which is almost impossible at this time. So we came with the plan to sell the property with three (3) acres, minimum acreage and we ran into a road block with the variance from the road. I believe this house pre-dates the variance, it is a very old home and has been there for a while. We did advertise it as the three (3) acres with the predication that it has to be approved by the county right now with the variance. So nothing happens unless we get the variance. As Gina stated, it is a hardship because they are the only ones here, the rest are out of the area owners. The home is quite old and needs some repairs and is only getting worse. I believe the new owners are going to enhance not only the neighborhood but also the home and increase the value. It is going to be almost impossible, as I said, to sell this property as an entire simile with eighty-eight (88) acres. It is just not going to happen any time soon.

Mr. Gibbons: Is it under contract Andy?

Mr. Shannon: It is under contract.

Mr. Gibbons: Okay.

Mr. Shannon: With the expectation of a variance.

Mr. Gibbons: Yes.

Mr. Shannon: And also as Gina did state and you brought up, the property is at the end of the state road and if you go straight, you go right into Windemere and if you go to the left, it goes into the girl scout camp.

Mr. Gibbons: Okay, thank you very much. Anybody else on my right that would like to speak? Yes sir.

Mr. Hathcock: My name is Phil Hathcock and I live not directly across the road but just adjacent to it. We have lived in that neighborhood for thirty (30) years. I restored a 1890 farmhouse there that belonged to the Watson's. This particular house that they are talking about was the Jones house. We knew Aunt Bessy and Uncle Almon very well over the years that they lived there and farmed it. The

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house has been vacant since they passed. It is not good. The house is a good house built in the late 40's and it can be restored and it does not interfere or change anything of the neighborhood characteristics whatsoever. I am in favor of you granting a zoning variance if you so choose to do so because I think it will enhance to have a family move back into it and restore it than continue the way it has been. The Jones, their family goes way back, their wagons probably helped make the road that we now travel everyday, Route 630, Courthouse Road. I think it is just a peaceful enjoyment and if you can restore an old house there is a value there. Thank you very much.

Mr. Gibbons: Thank you sir. Anybody else on my right? Anybody on my left?

Ms. Jones: My name is Janet Jones.

Mr. Gibbons: Can you pull the microphone down just a little bit?

Ms. Jones: Yes.

Mr. Gibbons: Thank you.

Ms. Jones: Can you hear me now? My name is Janet Jones and I live on Courthouse Road. Bessy and Almon Jones, I am their daughter-in-law and I was Doug's wife that is deceased. I cannot understand why you would entertain giving a variance on three (3) acres of land that goes against Stafford regulation. Permission to make non-conforming to use of zoned agriculture property. I request this variance not be passed, I can tell you a lot about the house because I've took care of them. I took care of my mother in-law the last twelve years of her life. The electricity needs... the whole house needs re-wired, it is too close to the road, the basement leaks, there is mold in the basement and sometimes the mold comes upstairs in the kitchen on cupboards because I have been up there and wiped it down. The front porch is all rotted away where the water has leaked in, if you tear that porch off you would have space to do a lot. The back porch is coming away from the house. You know it was... the house was built then a cement wall was put up to put a porch on it and that is coming away from the house. The chimney up on the roof on the front back toward the pond; I used to have to take a bucket up there and put underneath that chimney and put paper in it to catch the water coming down from the chimney. The bathroom floor is rotten, the tiles are all falling off of the walls. If they can rebuild it, more power to them. I appreciate you all listening to me but if you don't believe me you can go check for yourself. I know the house has been there since 1945 and I tried to get my husband to go up there and do things and he wouldn't do it. I spent one whole day up there hauling dirt to put around a foundation to keep that basement from leaking and three (3) months later my mother in-law said to me, that basement Jan hasn't leaked since you put that dirt around it. So I told my husband I'm not doing it no more, that should have been your job, not mine. So I appreciate you all listening to me.

Mr. Gibbons: Thank you very much for coming.

Ms. Jones: Thank you Mr. Gibbons.

Mr. Gibbons: Anybody else that would like to speak for or against? Then I will bring it back to you, do you have... you have a chance to rebut the comments that were said, do you want to?

Mrs. Smith: Yes the house is old but what do you expect, it was built in 1945. My grandparents built this house by hand. I'd hate to see the county make us have to tear the house down. That was my family's homestead, my father grew up in that house, my uncles grew up in that house and my aunt. I don't want to see the house torn down. It is like any old house, you are not going to get a perfect house when you go in there and the gentleman that wants the house knows that. I don't think the condition of the house really matters because we are just trying to get a variance because the house sits too close to

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the road. Even if we sell the house and eighty-eight (88) acres, it's not going to change the location of the house.

Mr. Gibbons: Okay, do you have any questions to the applicant.

Mr. Ackermann: I have questions of staff but I think they can wait till later.

Mr. Gibbons: Okay, we will close the public hearing now.

Mrs. Smith: Well, I would like to defer the meeting, I really would.

Mr. Gibbons: Okay.

Mrs. Smith: Until next month.

Mr. Ackermann: That is fine with me.

Mr. Gibbons: Do you have any problems with that?

Mrs. Smith: That way you will have more members present.

Mr. Gibbons: Okay. We will grant that wish then ma'am.

Mrs. Smith: Okay. I appreciate it.

Mr. Gibbons: Thank you very much. You still can ask questions of the staff.

Mr. Ackermann: Yeah, so...

Mr. Gibbons: I closed the public hearing. Do you want to close it or leave it open?

Mrs. Musante: I would not close it.

Mr. Gibbons: Leave it open?

Mrs. Musante: I would leave it open.

Mr. Gibbons: Okay, we'll leave the public hearing open because you deferred it before we shut it down. Okay, so it is still open, now go ahead with your questions.

Mr. Ackermann: So if the variance is granted and if a new owner wants to remodel the house then they don't have to come to... there is no...

Mrs. Musante: They will not come before you just for a remodel. They can go in gut the inside and do whatever on the inside, siding, roof, things like that but they cannot do any additions to the property.

Mr. Ackermann: Okay, and the remainder of the property, the other eighty-five (85) acres; how is... if I wanted to build a subdivision, what would I have to do?

Mrs. Musante: You would have to come back to the county and submit a subdivision plan.

Mr. Ackermann: There is no by-right subdivision?

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Mr. Gibbons: It's three (3) acres.

Mrs. Musante: No. They would have to go through the process and that is in the subdivision ordinance, which I am not familiar with.

Mr. Ackermann: Sure.

Mr. Gibbons: I mean, his by-right is three (3) acres per lot.

Mrs. Musante: It would be three (3) acres per lot, they could possibly do what is called a family subdivision because I don't know that it has a whole lot of road frontage.

Mr. Ackermann: Okay, thank you.

Mr. Gibbons: Doctor? Ray? Okay, yes ma'am.

Ms. Jones: May I speak.

Mr. Gibbons: I will let you, go ahead.

Ms. Jones: Mr. Gibbons, if I am not mistaken that land has already been subdivided one time because he gave my other daughter five (5) acres on that same eighty-four (84) acres that goes around.

Mr. Gibbons: Well, we will check on that. We will have the staff check.

Ms. Jones: Because I am positive it has already been subdivided the one time.

Mr. Gibbons: Ok ma'am, thank you. Alright, that ends this order of business. Now we have housekeeping functions and I don't think that would be enjoyable to you all. Thank you all for coming tonight. I misplaced my agenda here, Melody, what is the next item?

**OTHER BUSINESS**

**3. Draft Variance Applications**

Mrs. Musante: The next item is other business and it is the draft variance applications that I put together and I also would like some comments on the staff reports that you all received this time.

Mr. Gibbons: Now Melody and Aisha changed and we are trying to get better as we go along. If in the next month we can put some comments together for when the current members are going down to school, this is some of the stuff that they are passing out for us to take a look at other ordinances. Now one of the significant changes, what is it, out of Fairfax? No, it's Alexandria, wasn't it? That you have to come in specifically and say what your hardship is, right?

Mrs. Musante: Right. There were two other sample applications. One was from the City of Fredericksburg, the other one was Alexandria. I did take information out of, I want to say it was the City of Fredericksburg and add it to our current application and I highlighted the differences on our current application.

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Mr. Gibbons: Okay. So I would like if you could give it an evil eye everybody next month and we will take it up in comments. I want to thank you all for doing that. It's been very progressive over the last year and a half and we seem to be reaching out and making things better and I just want to congratulate the both of you on that.

Mrs. Musante: Thank you.

Ms. Medina: Thank you.

**ADOPTION OF MINUTES**

**4. March 22, 2011**

Mr. Gibbons: The next item should be the minutes of March 22, 2011. Any corrections, deletions or additions? I need a motion for approval.

**MOTION:**

Mr. Ackermann: I make the motion that we approve the minutes as presented.

Mr. Davis: Second.

Mr. Gibbons: We have a motion and duly seconded. All in favor say aye.

Mr. Ingalls: Aye.

Mr. Ackermann: Aye.

Mr. Davis: Aye

Dr. Larson: Aye.

Mr. Gibbons: Aye. All opposed? Any abstentions?

**VOTE:**

The motion to approve the minutes of March 22, 2011 as presented passed 5-0.

Mr. Ackermann – Yes

Mr. Apicella – Absent

Mr. Davis – Yes

Mr. Gibbons – Yes

Mr. Hudson – Absent

Mr. Ingalls – Yes

Dr. Larson – Yes

Mrs. Stefl – Absent

**ZONING ADMINISTRATOR REPORT**

Mr. Gibbons: Okay, Zoning Administrator's report?

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Mrs. Musante: We do not have a report this month.

Mr. Gibbons: And we have no applications for next month except a deferment.

Mrs. Musante: We do have an application that just came in today. It's another variance, Clark Leming's office has a new attorney, his name is Kevin Stokes and he dropped off a variance application today for Jiffy Lube up on 17 that is requesting a variance of the buffering requirement.

Mr. Gibbons: Now that is the one that is under construction I gather?

Mrs. Musante: I believe it is and I've not had a chance, because he came in at three today so I have not had a chance to look at the application to see what it is about, other than that.

Mr. Gibbons: Nor because he is a member of Clark's staff, that young man comes from the legislature and he was the point person for all zoning for the Commonwealth.

Mrs. Musante: Very nice young man.

Mr. Gibbons: Very bright.

Mrs. Musante: Yes.

Mr. Gibbons: Any other comments tonight?

Mr. Ackermann: We will have to re-advertise this?

Mrs. Musante: Yes we will have to re-advertise.

Mr. Gibbons: I want to thank you all very much.

Mr. Ackermann: Just a point of clarification on the draft variance applications, you are proposing a new one for Stafford County, is that what we have here?

Mrs. Musante: That's correct. That is the first application that you will see.

Mr. Ackermann: And you want our reaction to that.

Mrs. Musante: I do.

Mr. Gibbons: And then we will have to advertise it to make sure we change it properly.

Mr. Ackermann: But then the others are in here...

Mr. Gibbons: For review.

Mrs. Musante: For the City of Fredericksburg and also Alexandria, those were the two that...

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Mr. Ackermann: So I mean, do you want us to say gee that looks really nice in the Fredericksburg and it would be good if we can incorporate into ours? Or have you already done that?

Mrs. Musante: I have already done it. Some of the information from the other localities does not apply to our application or our locality so I feel like I have put in there what you are asking for, I just want you to make sure that I have.

Mr. Ackermann: Sure, okay. Very good.

Mr. Davis: One thing that I noted, one of the other applications had an example of a hardship. Do we have an example of a hardship in ours? They ask, what is your hardship?

Mrs. Musante: We do ask what is your hardship; I have not seen an application that shows an example. Do you remember what locality that was?

Mr. Davis: No, I do not.

Mrs. Musante: I'll do some research and see what I can find.

Mr. Davis: What some people think is a hardship...

Mrs. Musante: Exactly.

Dr. Larson: It would be nice if the applicant understood that the hardship has to pertain to the property.

Mrs. Musante: Okay. It does state in the justification for a variance, hardship not of your own making.

Dr. Larson: That is also good.

Mrs. Musante: Well take a look at them and see and if you want to start sending us emails, your comments. Mr. Ingalls, we are doing this just for you.

Mr. Ingalls: Yeah, I didn't mean to cause all those problems.

**ADJOURNMENT**

Mr. Gibbons: We will adjourn and thank you very much.

With no further business the meeting adjourned at 7:45 P.M.

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Robert C. Gibbons, Chairman  
Board of Zoning Appeals